HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.16334 of 2007

DATE: 11-10-2007

Between :

Vishwanath and 3 others.

... Petitioners

And

The District Collector,
Nizamabad District and 2 others.

... Respondents

HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No. 16334 of 2007

O R D E R:

This writ petition is filed by the petitioners, who are four in number, aggrieved by the action of the respondents in not acquiring the entire submergible land but acquiring only part of the land.

The grievance of the petitioners is that after acquisition of the so called submergible land, the first petitioner was shown to have been in possession of the land in an extent of Ac.4.36 guntas in Sy.No.41/2 and 41/4, the second and third petitioners are in possession of in an extent of Ac.1.23 guntas each in Sy.No.124/A and fourth petitioner in an extent of Ac.2.00 cents in Sy.No.124/E even though the said extents of land is also liable for submersion and is not available for carrying on any agriculture. Hence, the present writ petition

In response to the writ petition, a counter affidavit is filed conceding the claim of the petitioners except to an extent of Ac.0.20 guntas out of Ac.4.36 in Sy.No.41/2 and 41/4 which belongs to the first petitioner and an extent of Ac 0.09 guntas out of Ac.2.00 in Sy.No.124/E which belongs to the fourth petitioner. It is stated that the rest of the land of the petitioners is liable for submersion and the respondents are proposing to acquire the same. In the counter affidavit the second respondent clearly admits the above facts of submersion as well as the proposed acquisition except the extents referred to above, which are not liable for submersion. It is also stated that the above statement of facts are furnished as per the survey conducted by the Assistant Director of Survey and Land Records, Nizamabad.

In that view of the matter, the third respondent is directed to send the requisition proposals to the first respondent for acquiring the land within a

period of two months from the date of receipt of a copy of this order and within six weeks thereafter the first respondent is directed to issue the notification acquiring the lands which are admitted as submergible and pay the compensation in accordance with law.

The writ petition is accordingly disposed of. No costs.

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S.ANANDA REDDY,J

Date: 11-10-2007
KLP